

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK, MASSACHUSETTS,
WASHINGTON, COLORADO, CONNECTICUT,
DELAWARE, DISTRICT OF COLUMBIA, HAWAII,
ILLINOIS, IOWA, NEW MEXICO, NORTH
CAROLINA, OREGON, PENNSYLVANIA, RHODE
ISLAND, VERMONT, and VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as President
of the United States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE C. DUKE, in her
official capacity; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT; and the UNITED
STATES OF AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-
05228-NGG-JO

MARTÍN JONATHAN BATALLA VIDAL,
ANTONIO ALARCON, ELIANA FERNANDEZ,
CARLOS VARGAS, MARIANO MONDRAGON, and
CAROLINA FUNG FENG, on behalf of themselves and
all other similarly situated individuals; and MAKE THE
ROAD NEW YORK, on behalf of itself, its members,
its clients, and all similarly situated individuals

Plaintiffs,

v.

KIRSTJEN M. NIELSEN, Secretary, Department of
Homeland Security; JEFFERSON BEAUREGARD
SESSIONS III, Attorney General of the United States;
and DONALD J. TRUMP, President of the United
States,

Defendants.

CIVIL ACTION NO. 1:16-cv-
04756-NGG-JO

**MOTION FOR LEAVE TO FILE BRIEF ON BEHALF OF
NEW YORK UNIVERSITY AS *AMICUS CURIAE***

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**MOTION FOR LEAVE TO FILE BRIEF ON BEHALF OF
NEW YORK UNIVERSITY AS *AMICUS CURIAE***

New York University (“NYU”) respectfully seeks the Court’s permission to file a brief as *amicus curiae* in each of the above-captioned parallel cases. Counsel for the Plaintiffs and the Defendants consent to this motion. A copy of the proposed *amicus* brief is appended as an exhibit to this motion.

A district court has “broad discretion to permit or deny the appearance of amici curiae in a given case.” *Great Minds v. Fedex Office & Print Servs.*, 2017 U.S. Dist. LEXIS 24063, at *3 (E.D.N.Y. Feb. 21, 2017) (quoting *United States v. Yaroshenko*, 86 F. Supp. 3d 289, 290 (S.D.N.Y. 2015)) (internal quotation marks omitted). Filing of an amicus brief generally should be permitted “when the amicus has unique information or perspective that can help the court beyond the help that lawyers for the parties are able to provide.” *Jamaica Hosp. Med. Ctr., Inc. v. United Health Group, Inc.*, 584 F. Supp. 2d 489, 497 (E.D.N.Y. 2008) (citation and internal quotation marks omitted); *see also Andersen v. Leavitt*, 2007 WL 2343672, at *2 (E.D.N.Y. Aug. 13, 2007) (“A court may grant leave to appear as an amicus if the information offered is ‘timely and useful.’”) (citation omitted). NYU is uniquely positioned to offer the Court insight into the real-world implications of the Department of Homeland Security’s rescission of DACA.

NYU is a global institution of higher learning committed to fostering an intellectually rich educational environment that encompasses a wide range of perspectives. To that end, NYU welcomes and engages faculty, staff, and students from a wide range of backgrounds, striving to construct “a system of rational and practical education fitting for all and graciously opened to all.” *See About NYU*, available at www.nyu.edu/about. NYU is deeply concerned that DHS’s rescission of DACA will compromise this educational mission. By terminating beneficiaries’ deferred-action status, the DACA rescission limits promising students’ ability to enroll in

institutions of higher education, thus depriving NYU of the educational benefits of diversity and the unique perspectives that DACA recipients provide. In short, rescinding DACA not only harms DACA beneficiaries, but it undermines the values that NYU champions. NYU's *amicus* brief would provide the Court with NYU's unique perspective on these issues as a global university with a highly diverse constituency.

For the foregoing reasons, NYU respectfully requests the Court's permission to file a brief of *amicus curiae*, attached hereto as Exhibit A, in each of the cases on December 22, 2017.

Dated: December 22, 2017

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Respectfully submitted,

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